**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.24205 OF 1998**

**DATED: 14-3-2007**

Between :

1. Thydh Pati Narasaiah and 6 others. .. Petitioners

And

1. Government of Andhra Pradesh, rep. by the Principal Secretary, Revenue Department, Secretariat, Hyderabad and 2 others. .. Respondents

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.24205 OF 1998**

**ORDER :**

This writ petition is filed seeking a declaration that the order passed by the 2nd respondent dated 18-7-1998 thereby directing resumption of the lands in possession of the petitioners as arbitrary and illegal.

It is not in dispute that the petitioners were granted pattas in respect of the small extents of land situated in Sy.Nos.60 & 61 of Tatipalli Village, Rapur Mandal, Nellore District. However, it appears that on account of construction of Kandaleru Reservoir under Telegu Ganga Project some of the villages were submerged and for the purpose of rehabilitation of the residents of the said villages the respondents proposed to take possession of the petitioners' land. Accordingly, the 2nd respondent passed the impugned order directing resumption of the said land for public purpose namely rehabilitating the displaced persons. Aggrieved by the action of the respondents, this writ petition is filed contending *inter alia* that the respondents are not entitled to resume the lands without initiating any proceedings under the Land Acquisition Act, 1894 or any other law in force.

This Court while directing Rule Nisi by order dated 31-8-1998 ordered status quo as on that date and the same continued to be in operation throughout.

I have heard the learned Counsel for both the parties.

In view of the decision of the larger bench of this Court in LAO-CUM-RDO, CHEVELLA DIVISION, DOMALAGUDA, HYD. v. M. PANDU[1] it is no longer *res integra* that even in respect of the assigned lands required for public purpose the assignees are entitled to compensation equivalent to full market value of the land and other benefits.

In view of the law laid down by larger Bench, the impugned order seeking to resume of the land in question invoking Condition No.17 of Form-D Patta is illegal and the same is accordingly set aside.

Writ Petition is accordingly allowed. No costs.

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G. ROHINI, J.

Dt. 14-03-2007
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[1] 2004 (2) ALD 451 (LB)